



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/942,333	10/01/97	NOURI	A MINFRAME.020

LM02/0126
KNOBBE MARTENS OLSON & BEAR
620 NEWPORT CENTER DRIVE
SIXTEENTH FLOOR
NEWPORT BEACH CA 92660-8016

EXAMINER

TRAN, P

ART UNIT

PAPER NUMBER

2758

DATE MAILED: 01/26/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/942,333

Applicant(s)
Ahmad Nouri Et. Al.

Examiner
Philip B. Tran

Group Art Unit
2758



☒ Responsive to communication(s) filed on Oct 22, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-11 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-11 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4 - 6

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 10 © and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson, U.S. Pat. No. 5,857,074.

As to claim 1, Johnson teaches a system for resetting a computer comprising :

a first computer;

a microcontroller capable of providing a reset signal to the first computer;

a remote interface connected to the microcontroller; and

a second computer connected to the first computer via the remote interface and communicating a reset command to the microcontroller (see Fig. 1 and Abstract and Col. 1, Line 36 through Col. 3, Line 15 and Col. 10, lines 61-65).

Johnson does not particular teach the same terminologies in the manner and extent claimed by the applicant. However, it would have been obvious to one of ordinary skill in the networking art that the use of different words are merely a *matter of engineering choice* because choice of words does not change the basic operation of Johnson's system in describing a system for resetting a computer as claimed by the applicant.

As to claim 2, Johnson further teaches the system of claim 1 wherein the remote interface includes a power source independent of a power source for the first computer (see Fig. 1 and Col. 10, Lines 32- 49).

As to claim 3, Johnson further teaches the system defined in claim 1 wherein the remote interface includes an external port for connection to the second computer (see Col. 9, Lines 6-27).

As to claim 4, it would have been obvious to one skilled in the networking art that the second computer could be at the same location (or locally) as the first computer.

As to claim 5, Johnson further teaches the system defined in claim 1 wherein the second computer is at a location remote to the first computer (see Fig. 1 and Abstract and Col. 6, Line 33 through Col. 7, Line 16).

As to claim 6, Johnson further teaches the system defined in claim 5, additionally comprising a pair of modems, wherein a first modem connects to the first computer and a second modem connects to the second computer (see Col. 6, Lines 33-49 and Col. 9, Lines 6-27).

As to claim 7, Johnson further teaches the system defined in claim 6 wherein each modem further connects to the public switched telephone network (see Col. 6, Lines 33-49).

As to claim 8, it would have been obvious to one skilled in the networking art that each modem could further connect to a cable network.

As to claim 9, it would have been obvious to one skilled in the networking art that each modem could facilitate connection to a satellite.

As to claim 10, Johnson further teaches the system defined in claim 1 wherein the remote interface includes a remote interface microcontroller that connects via a bus to the microcontroller (see Fig. 1 and Col. 6, Lines 10-65).

As to claim 11, Johnson further teaches the system defined in claim 1 wherein the remote interface is responsive to a command sent from the second computer to reset the first computer (see Col. 10, Line 49 through Col. 11, Line 65).

Other References Cited

3. The following references cited by the examiner but not relied upon are considered pertinent to applicant's disclosure.

- A) Gready et. al., U.S. Pat. No. 5,852,720 : System for storing display data during first time period prior to failure of computer and during second time period after reset of the computer.
- B) Ekrot et. al., U.S. Pat. No. 5,675,723 : Multi-server fault tolerance using in-band signaling.
- C) Devarakonda et. al., U.S. Pat. No. 5,659,682 : Scheme to determine completion of directory operations for server recovery.
- D) Doll, Jr. et. al., U.S. Pat. No. 5,351,276 : Digital/audio interactive communication network.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (703) 308-8767. The examiner can normally be reached on Monday through Friday from 8:00am to 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Zarni Maung, can be reached on (703) 308-6687. The fax phone number for this Group is (703) 308-5356.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

PBT
Philip B. Tran
Art Unit : 2758
Jan 11, 1999


Zarni Maung
Patent Examiner